

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In Re: AUTOMOTIVE PARTS
ANTITRUST LITIGATION

Case No. 12-md-02311
Honorable Marianne O. Battani

In re: ALTERNATORS
DIRECT PURCHASER ACTIONS

)
)
) 2:13-cv-00701-MOB-MKM
)
)
)

THIS RELATES TO:

ALL EUROPEAN AUTO SUPPLY, INC.,

Plaintiff,

vs.

DENSO CORPORATION, et al.,

Defendants.

)
)
) 2:15-cv-11828-MOB-RSW
)
)
)
)
)
)
)
)
)

**STIPULATION AND ORDER REGARDING ACCEPTING
SERVICE OF COMPLAINT**

All European Auto Supply, Inc. (“Plaintiff”) has filed the above-captioned action (“Action”) against the Defendants, including DENSO Corporation, DENSO International America, Inc., DENSO Products and Services Americas, Inc., DENSO International Korea Corporation, Mitsubishi Electric Corporation, Mitsubishi Electric US Holdings, Inc., and Mitsubishi Electric Automotive America, Inc. (collectively, “Stipulating Defendants”), alleging violations of Section 1 of the Sherman Act in connection with the sale of Alternators. So as to preserve both party and judicial resources, Plaintiff and Stipulating Defendants, by and through their undersigned counsel, stipulate to the following with respect to the Action:

1. Counsel for Stipulating Defendants agree to accept service of the complaint, filed on May 20, 2015, on behalf of the Stipulating Defendants, in satisfaction of the requirements of Fed. R. Civ. P. 4.

2. Unless otherwise modified by a case management order entered in this Action, Stipulating Defendants shall, as permitted by Fed. R. Civ. P. 12, answer, move, or otherwise respond within 60 days after either: (a) service on Stipulating Defendants of complete and unredacted copies of a consolidated amended complaint (“CAC”) in MDL 2311 in English and Japanese asserting claims based on sales of Alternators; or (b) service on Stipulating Defendants of complete and unredacted copies of the current complaint in this Action in English and Japanese together with written notice by Plaintiff that it will not be filing a CAC in this Action.

3. Notwithstanding paragraph 2 above, if Stipulating Defendants file an answer, move or otherwise respond pursuant to Fed. R. Civ. P. 12 in any related actions asserting claims based on sales of Alternators before the date required by this stipulation, Stipulating Defendants will concurrently file their answer, move or otherwise respond as permitted by Rule 12 in this matter.

4. Plaintiff and Stipulating Defendants stipulate and agree that the entry into this stipulation by Stipulating Defendants shall not constitute a waiver of (a) any jurisdictional defenses that may be available under Rule 12 of the Federal Rules of Civil Procedure, (b) any affirmative defenses under Rule 8 of the Federal Rules of Civil Procedure or (c) any other statutory or common law defenses that may be available to Stipulating Defendants in this or any other related actions. Stipulating Defendants expressly reserve their right to raise any such defenses (or any other defense) in response to (a) the current complaint or any amended and/or consolidated complaint that may be filed on behalf of Plaintiff or any other Direct Purchaser, and/or (b) any complaint that may be filed in any related action.

5. Plaintiff further agrees that the terms of this stipulation are available, without further stipulation with counsel for Plaintiff, to all defendants who notify Plaintiff's counsel in writing of their intention to join this Stipulation.

6. Stipulating Defendants further agree that the terms of this stipulation are available, without further stipulation with counsel for Stipulating Defendants, to all direct purchaser plaintiffs who file a separate class action complaint asserting claims based on sales of Alternators and notify Stipulating Defendants' counsel in writing of their intention to join this Stipulation. Stipulating Defendants reserve their right to move for an order requiring a consolidated amended complaint.

IT IS SO STIPULATED.

Dated: July 20, 2015

/s/ M. John Dominguez
M. John Dominguez
COHEN MILSTEIN SELLERS & TOLL PLLC
2925 PGA Boulevard, Suite 200
Palm Beach Gardens, FL 33410
Telephone: (561) 515-1431
jdmoninguez@cohenmilstein.com

David A. Young
COHEN MILSTEIN SELLERS & TOLL PLLC
1100 New York Ave. NW, Suite 500 West
Washington, DC 20005
Telephone: (202) 408-4600
dyoung@cohenmilstein.com

Matthew W. Ruan
COHEN MILSTEIN SELLERS & TOLL PLLC
88 Pine Street, 14th Floor
New York, NY 10005
Telephone: (212) 838 7797
mruan@cohenmilstein.com

Christopher J. Cormier
COHEN MILSTEIN SELLERS & TOLL PLLC
2443 S. University Boulevard, #232
Denver, CO 80210
Telephone: (720) 583-0650
ccormier@cohenmilstein.com

Aubrey H. Tobin (P31256)
Attorney at Law, P.C.
2140 Walnut Lake Road
West Bloomfield, MI 48323
Telephone: (248) 932-3070
Aubrey@tobinpc.com

Solomon B. Cera
Thomas B. Bright
Pamela A. Markert
CERA LLP
595 Market Street, Suite 2300
San Francisco, CA 94105-2835
Telephone: (415) 777-2230
scera@cerallp.com
tbright@cerallp.com
pmarkert@cerallp.com

Counsel for All European Auto Supply, Inc.

Dated: July 20, 2015

/s/ Steven F. Cherry
Steven F. Cherry
David P. Donovan
Brian C. Smith
WILMER CUTLER PICKERING HALE AND

DORR LLP
1875 Pennsylvania Avenue NW
Washington, DC 20006
Telephone: (202) 663-6000
Facsimile: (202) 663-6363
steven.cherry@wilmerhale.com
david.donovan@wilmerhale.com
brian.smith@wilmerhale.com

***Counsel for DENSO Corporation,
DENSO International America, Inc.,
DENSO Products and Services Americas, Inc.,
and DENSO International Korea Corporation***

Dated: July 20, 2015

/s/ Terrence J. Truax

Terrence J. Truax
Charles B. Sklarsky
Michael T. Brody
Gabriel A. Fuentes
Daniel T. Fenske
JENNER & BLOCK LLP
353 N. Clark Street
Chicago, IL 60654-3456
Telephone: (202) 683-3800
Facsimile: (202) 683-3999
ttruax@jenner.com
csklarsky@jenner.com
mbrody@jenner.com
gfuentes@jenner.com
dfenske@jenner.com

Gary K. August (P48730)
Jamie J. Janisch (P72516)
ZAUSMER, AUGUST & CALDWELL, P.C.
31700 Middlebelt Road, Suite 150
Farmington Hills, MI 48334-2374
Telephone: (248) 851-4111
Facsimile: (248) 851-0100
gaugust@zacfirm.com
jjanisch@zacfirm.com

***Counsel for Mitsubishi Electric Corporation,
Mitsubishi Electric US Holdings, Inc., and
Mitsubishi Electric Automotive America, Inc.***

IT IS SO ORDERED.

Date: August 26, 2015

s/Marianne O. Battani
MARIANNE O. BATTANI
United States District Judge